2017

Utah State Courts

Annual Report

UTAH OFFICE OF GUARDIAN AD LITEM AND CASA

OFFICE OF GUARDIAN AD LITEM AND CASA

The work of a Guardian ad Litem (GAL) attorney carries with it a tremendous responsibility. It is their job to stand in the shoes of the child and zealously advocate for the children represented by the Office of GAL and CASA. GAL attorneys are committed and well trained, and as such, are an asset to the State of Utah.

In FY2013, the Office of GAL and CASA was asked to develop performance measures and to report on those measures annually to the Executive Offices and Criminal Justice Subcommittee. In FY2014, the Office of GAL and CASA developed these Standards and Performance Measures and they were approved by the Executive Offices and Criminal Justice Subcommittee. The approved Standards and Performance Measures, as well as supporting FY2017 data, are listed below.

STANDARDS & PERFORMANCE MEASURES

Standard I:

GAL attorneys shall be competent and knowledgeable attorneys and shall participate in training that addresses issues surrounding abuse and neglect, as well as improving legal skills.

Performance Measure I:

The Office of GAL and CASA will measure the participation of GAL attorneys in the required trainings, as well as attorney satisfaction in the subject matter of the provided trainings.

Performance Measure I FY17:

In FY17, the Office of GAL and CASA provided GAL attorneys access to the following trainings: GAL Annual Conference; Joining Forces to Prevent Child Abuse Conference; Court Improvement Summit; Substance Abuse Conference; Promising Youth Conference (formerly Troubled Youth Conference); and the Children's Justice Center Annual Symposium. These trainings provided valuable information about issues related to abuse and neglect; mental health; and substance abuse, as well as helped improve the advocacy skills of the attorneys.

Standard II:

GAL attorneys shall have caseloads that allow them to adequately represent their clients.

Performance Measure II:

The Office of GAL and CASA will measure the average number of children being represented by GAL attorneys during the fiscal year.

Performance Measure II FY17:

In FY17, GAL attorneys had on average 110 children on their caseloads at any given time.*This number is decreasing due in part to authorization by the legislature to reallocate resources within the Office of GAL and CASA. In FY17 the Office added two full time GAL attorneys to help with increasing caseloads.

Standard III:

GAL attorneys shall ensure that the children they represent are present in court and able to participate when appropriate.

Performance Measure III:

The Office of GAL and CASA will measure the number of children attending post-adjudication hearings as specified in Utah Code Ann. § 78A-6-305; or if not attending, the reason why the child is not in attendance.

Performance Measure III FY17:

In FY17, more than 50% of children attended and participated in their court hearings. The most common reasons for children not attending their court hearing is that it was impractical for the child to attend, or it was detrimental for the child to attend. The Office of GAL and CASA continues to work with the courts and community partners to increase the presence of their clients in court, especially older youth.

Standard IV:

GAL attorneys shall ensure that there is appellate review for decisions affecting their clients.

Performance Measure IV:

The Office of GAL and CASA will measure the number of appeals initiated, as well as participated in, by GAL attorneys.

Performance Measure IV FY17:

In FY17, the Office of GAL and CASA participated in 109 appeals on behalf of their clients. The Office also staffed many other cases to determine the efficacy of an appeal.

Standard V:

GAL attorneys will complete an independent investigation and communicate regularly with their clients.

Performance Measure V:

The Office of GAL and CASA will measure the number of completed independent investigations by GAL attorneys, including non-client contacts; and measure the number of client contacts by GAL attorneys, as well as the frequency of those

Performance Measure V FY17:

In FY17, the Office of GAL and CASA engaged in 68,219 independent investigations on behalf of the 10,797 children represented. GAL attorneys and CASA advocates also met with these children 32,011 times. During these communications with clients, especially older youth, GAL attorneys explained the court process, obtained the client's wishes and identified services with the clients to assist them with returning home or finding another permanent placement.

Standard VI:

GAL attorneys shall ensure clients and their families receive appropriate services to keep children safely with their families or reunite them whenever practical by attending court hearings and participating in Child & Family Team Meetings.

Performance Measure VI:

The Office of GAL and CASA will measure the number of hearings attended by GAL attorneys and the number of Child & Family Team Meetings in which GAL attorneys participated.

Performance Measure VI FY17:

In FY17, the Office of GAL and CASA attended 41,126 hearings on behalf of their clients. During those hearings, GAL attorneys informed the Court about the steps they had taken to prepare for the hearing; the child's wishes; their recommendations for specific services for the children and their parents and the basis for those recommendations; and made best interest recommendations for the welfare of the child. GAL attorneys also participated in 10,125 Child & Family Team Meetings where they advocated for services for clients and their families. Finally, to try to resolve the issues before the Court, as well as giving families a voice in the legal process, GAL attorneys attended 2,463 mediations.

Standard VII:

GAL attorneys shall be provided with and shall use technology to be more efficient, and move towards a paperless practice. Having access to the systems allows the GAL attorneys to do ongoing investigations.

Performance Measure VII:

The Office of GAL and CASA will measure the use of E-filing by GAL attorneys in both Juvenile and District Court, the use of the VOICE database, as well as a shared document library on Google, by GAL attorneys.

Performance Measure VII FY17:

In FY17, all Office of GAL and CASA pleadings in the District Court were E-filed through the VOICE database, which interfaces with the court's database system. Additionally, GAL attorneys have appropriate technology and equipment such as tablets, laptops and smart phones. This allows them to access systems wherever they are, to maximize their time and to continue to move towards a paperless practice. Having access to these systems allows GAL attorneys to perform ongoing investigations.

PRIVATE GUARDIAN AD LITEM PROGRAM

In FY17, the Private Guardian ad Litem (PGAL) program continued to expand. There are currently 105 private attorneys who have accepted over 259 cases this past year, including over 27 pro bono cases. Dixie Jackson, the PGAL Coordinator, continues to support these private attorneys by responding to questions, providing guidance and attending hearings when necessary. Also, the Best Practice Guidelines were expanded significantly, in the form of a Private Guardian ad Litem Manual for the PGAL attorneys to be better equipped to handle these difficult cases.

The PGAL program continues to maintain its website monthly to update the list of available PGAL attorneys as well as the collection of pleadings that attorneys can use and modify. It provides a Newsletter each month with information relevant to the role of the PGAL attorney. Finally, to assist the PGAL attorneys comply with CJA R4-906, the Office of the GAL and CASA hosts sessions of Continuing Legal Education throughout the state.

COURT APPOINTED SPECIAL ADVOCATE PROGRAM

The Court Appointed Special Advocate (CASA) program is a valued resource for the Office of GAL and CASA. During FY17, 756 advocates served 1,255 children and donated 29,804 hours. Advocates are appointed pursuant to U.C.A. § 78A-6-902, subsection (4) (a) that states:

"An attorney guardian ad litem may use trained volunteers, in accordance with U.C.A. § 67-20-1 et seq...to assist in investigation and preparation of information regarding the cases of individual minors before the court."

CASA's are assigned to an individual case and gather information for GAL attorneys by visiting consistently with child clients, attending Child & Family Team Meetings and court hearings, and tracking the child's progress in school. In addition, these advocates ensure that the child is receiving needed services and is in a safe, nurturing environment by monitoring court orders and reporting to the GAL attorney.

CASA's are carefully screened; they receive a background check and are provided with 32 hours of pre-service training and 12 hours of annual in-service training. Research conducted by the National CASA Association has found that children with CASA's do better in school, spend less time in foster care, and are less likely to re-enter the foster care system. This is due to the CASA being an additional safe, consistent and responsible adult present in their lives.

UTAH'S FRIENDS OF CASA

Utah's Friends of CASA is a 501(c) (3) nonprofit organization that supports the CASA program by providing supplemental funding for volunteer recruitment, training and retention. This past year, the Utah's Friends of CASA Board assisted in funding participation at the National CASA Conference for the CASA Program Administrator and new CASA Coordinators.



Standing in the Shoes of the Child



	GAL PERFORMANCE MEASURE	2015	2016	2017
1.	GAL Participation in and satisfaction with required trainings	100%	100%	100%
2.	Average number of children being represented by GAL attorneys	131	140	110
3.	Number of children attending post-adjudication hearings as specified in UCA §78A-6-305	50%	50%	50%
4.	Number of appeals initiated and/or participated in by GAL Office	102	105	109
5.	Independent investigations:			
	Total activities	54,034	60,397	68,219
	Children represented	10,824	10,282**	10,797
	Meetings with child client	29,461	33,978	32,011
6.	Representation in and out of court:			
	Number of Hearings attended	36,109	36,968	41,126
	Number of Mediations attended	2,072	2,168	2,463
	Number of Child & Family Team Meetings attended	7,562	8,419	10,125
7.	GAL Attorneys shall use technology to be more efficient and move towards a paperless practice	100%	100%	100%
Private (GAL Program:			
	PGAL Attorneys	139	143	105
	PGAL Cases	208	246	259
	PGAL Pro Bono Cases	13	20	27
Court Appointed Special Advocate Program (CASA):				
	Volunteers	776	756	678
	Children served	1,274	1,299	1,255
	Hours donated	37,264	29,114	29,804

^{*} Since Fall 2017, the average caseload for attorneys in the Third District offices (Salt Lake City and West Jordan) is 154, with the highest caseload of 194. Due to this increase, funding has been earmarked to add an additional attorney for the District.

 $^{^{**}}$ Due to a data collection error, this number was incorrect in the FY2016 report.